

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

GRANT PARKER SHUMANS,

Plaintiff,

v.

GROENDYKE TRANSPORT,

Defendant.

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CIVIL ACTION NO.: 2:22-cv-96

ORDER

Before the Court are Plaintiff's Objections to the Magistrate Judge's Order on the Motion to Stay and Plaintiff's Motion for Review. Dkt. Nos. 19, 20. Defendant responded in opposition to Plaintiff's Motion for Review. For the following reasons, the Court **OVERRULES** Plaintiff's Objections and **DENIES** Plaintiff's Motion for Review.¹

Plaintiff raises objections to the Magistrate Judge's January 4, 2023 Order and asks the undersigned to conduct a de novo review of the matter. Dkt. No. 19 at 1. In the Order, the Magistrate Judge stayed the proceedings in this case until

¹ Plaintiff offers the same arguments in his Motion to Review as he does in his Objections with a different request for relief.

Defendant's motion to dismiss has been resolved. Dkt. No. 18 at 1.

When considering a party's objections to a magistrate judge's ruling on a non-dispositive matter, the district judge must "modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). Otherwise, the magistrate judge's ruling stands. "A ruling is clearly erroneous where either the magistrate judge abused his discretion or the district court, after reviewing the entirety of the record, is left with a definite and firm conviction that a mistake has been made." Jackson v. Deen, No. 4:12-CV-139, 2013 WL 3991793, at *2 (S.D. Ga. Aug. 2, 2013) (citing Pigott v. Sanibel Dev., LLC, No. CIVA 07-0083, 2008 WL 2937804, at *5 (S.D. Ala. July 23, 2008)). A decision by the magistrate judge is contrary to law when it "fails to follow or misapplies the applicable law." Id. (citations omitted).

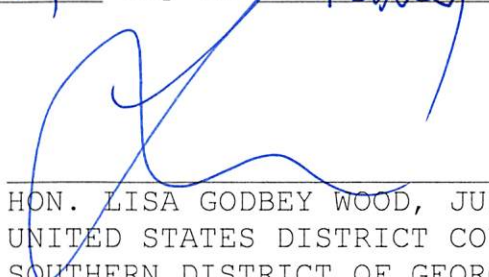
In his Objections, Plaintiff argues Defendant failed to follow the Court's Rule 26 Instruction Order. Dkt. No. 19 at 2. This Objection lacks merit. As the Magistrate Judge explained in his Order, Defendant did follow the portion of the Rule 26 Instruction Order specifically addressing requests for a stay of discovery. Dkt. No. 18 at 1. The Order required the moving party to attempt to contact the opposing party to determine if the motion was opposed. Defendant did so and, thus, complied

with the Rule 26 Order. Id. Therefore, the Magistrate Judge's Order was not contrary to law.

Additionally, after a review of the entire record, it is clear the Order was not erroneous. As the Magistrate Judge correctly concluded, the motion to dismiss appears to have some merit and, if granted in its entirety, would dispose of the entire case. Thus, a stay of discovery was appropriate.

For the foregoing reasons, the Court **OVERRULES** Plaintiff's Objections and **DENIES** Plaintiff's Motion. The Magistrate Judge's Order remains the Order of the Court.

SO ORDERED, this 14 day of February, 2023.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA